

4133. Misbranding of "Rheuma." U. S. v. 6 Dozen Retail Packages of
*** * * "Rheuma." Tried to the court and a jury. Verdict in**
favor of the Government. Decree of condemnation, forfeiture, and
destruction. (F. & D. No. 6114. I. S. No. 155-k. S. No. E-165.)

On November 18, 1914, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 dozen retail packages of a product known as "Rheuma," remaining unsold in the original unbroken packages at Charleston, S. C., alleging that the product had been shipped on September 30, 1914, and transported from the State of New York into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The retail packages were labeled: "Rheuma Its for Rheumatism 20 Per Cent Alcohol. Guaranteed by The Rheuma Co., under Food and Drugs Act, June 30, 1906, Serial No. 24120. Directions. One-Half Teaspoonful in a Little Water before Retiring. If bowels move too freely decrease the dose. Shake well before using. Price 50 cents. Contents, 2 fluid ounces. Try Rheuma Its for Rheumatism Mildly Laxative To Aid Digestion. For Thin Blood For Sluggish Liver For the Bowels Try Rheuma Its for Rheumatism To aid the carrying off of the excess of uric acid crystals lodged in the kidneys. Manufactured by The Rheuma Co., Buffalo, N. Y." The bottles were labeled: "To aid the carrying off of the excess of uric acid crystals lodged in the kidneys." The cartons were labeled: "Rheuma Its for Rheumatism A Preparation for Rheumatism and Kidney Diseases." "Prepared for direct action in all rheumatic complications." "Rheuma can be used as an aid in producing rich blood and creating normal action of the Heart." "For relieving feverish conditions in Dropsical affections of the Limbs." In the circulars accompanying the product the following words appeared: "Rheuma Medicine for the various forms of Rheumatism." "Rheumatoid Arthritis" "Sciatic Rheumatism" "Inflammatory Rheumatism" "Gout (Chalk Joints)." "Rheuma Its for Rheumatism is prepared to remedy the defects caused by the ravages of Rheumatism in all forms." "Read what this great remedy has done for sufferers from Rheumatism." "Ten years' pain relieved in two days. ———'I have been a great sufferer from Rheumatism for about ten years, having it in my knees, ankles and joints. Was on crutches about one-third of the time. The first of last December I commenced to take Rheuma; in two days I laid down my crutches and have since given them away. I now believe that I am a well man.'" "Restored after 25 years' suffering. ———'I had been afflicted with Rheumatism all over my body for more than 25 years; I could not walk and was a broken-down man. Rheuma reached my case.'" "Cripple on crutches regains health. ———'I have been cured of a very bad case of Rheumatism by using two bottles of Rheuma. It is now two years since I used the remedy, and I am still as well as ever. Previous to using Rheuma, I was a cripple, walking with crutches.'" "Contracting muscles and swelling gone. ———'For fourteen months I was so badly afflicted with Rheumatism that much of the time I was obliged to use a cane in walking. On the recommendation of your druggist in Glens Falls, I used one bottle of Rheuma and the cane is in the corner now. No one could be happier than I am to be rid of the insistent pain, swollen knees, contracting muscles under the knees and badly swollen ankles. * * * I certainly believe there is no remedy for the disease like Rheuma.'" "Awful sufferer from Bright's disease. ———'For many years I was troubled with Rheumatism and also with Bright's Disease of the Kidneys. I suffered most awfully. * * * At last I used your truly remarkable preparation, Rheuma. * * * It surely restored me,'"

Misbranding of the article was alleged in the libel for the reason that the words and figures so declared, marked, printed, branded, and labeled in and upon the said packages, bottles, cartons, and circulars as aforesaid, were misleading, false, and fraudulent, and said article was misbranded regarding the curative or therapeutic effects thereof or any of the ingredients or substances contained therein, within the meaning of the Act of Congress approved on the thirtieth day of June, A. D. 1906, as amended by the Act of Congress, approved on the twenty-third day of August, A. D. 1912.

Thereafter the Rheuma Co., Buffalo, N. Y., filed its answer denying that the product was misbranded and praying that the proceedings be dismissed. On June 5, 1915, the case having come on before the court and a jury, after the submission of evidence, the jury returned a verdict finding the article misbranded, and thereupon judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*